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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,073	06/07/2002	Theodorus Lambertus Hoeks	08CS5682-1	3895
23413	7590	03/10/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/064,073	Applicant(s) HOEKS ET AL	
	Examiner Umakant K. Rajguru	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1761

1. Claims 1-22 are presented for examination.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 3, 4 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 are vague in reciting "a combination comprising at least one of the foregoing salts" because it is not clear what is/are other salts that makes make the combination.

Claim 8 is indefinite in reciting a flame retardant, which comprises a polycarbonate composition. Actually it is the other way.

Similar is the case with claims 9 and 10.

3. Claims 7, 14 and 15 are objected to because of the following informalities:

Word "composition" in line 1 is redundant in all those claims. Appropriate correction is required.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 1761

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 7-10, 12, 14-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,745,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,605).

Ishihara discloses flame retardant polycarbonate composition comprising polycarbonate and potassium diiphenylbulfonatesulfonate and/or sodium trichlorobenzene sulfonate (column 3, lines 59-61).

Ishihara does not mention use of flame-retardant in aqueous solution.

Vartiak and Schaffner disclose flame retardation by applying certain flame-retardants in solution.

Therefore, it would have been obvious to use an aqueous solution of flame retardant in the composition of Ishihara in order to reduce cost and at the same time be as effective as in solid form. The solution of flame retardant probably ensures that the flame retardant is thoroughly blended with other ingredients of the composition.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,735,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,655) as applied to claim 1 above, and further in view of Boyd et al (US 6,518,347).

Art Unit: 1761

Ishihara together with Vartiak or Schaffner does not mention flame retardant of claim 6.

Boyd discloses flame retardant carbonate polymer compositions containing potassium perfluorobutanesulfonate (column 10, lines 29-31).

Therefore it would have been obvious to add the same flame retardant (of Boyd) to the composition of Ishihara because of its superior flame retardancy.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,735,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,655) as applied to claim 1 above, and further in view of Chiba et al (US 6,174,944).

Ishihara together with Vartiak or Schaffner does not mention additive or instant claim 11.

Chiba discloses flame retardant polycarbonate composition containing fibrous fillers, surface-treating agents, inorganic fillers etc. (column 3, lines 50-56; column 4, lines 6-43; column 7, lines 37-50).

Therefore, it would have been obvious to include any one or more of this additives into the composition of Ishihara to increase mechanical strength as well as to reduce cost.

8. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara (US 4,735,978) in view of Vartiak (US 3,956,538) or Schaffner (US 6,547,655) as applied to claims 1 and 16 representative above, and further in view of McElveen (US 4,154,692).

Art Unit: 1761

Prior art fails to disclose aqueous solution containing water and alcohol.

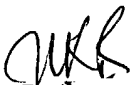
McElveen discloses flame retardant solution containing water and alcohol.


Therefore, it would have been obvious to use an aqueous solution containing alcohol in the composition of Ishihara with the expectation of achieving full penetration of flame retardant into other ingredients of the composition.

9. It is noted that prior art does not specifically disclose limitations of claims 12, 16, 19 and 21. Nonetheless since the prior art teaches a composition, which has claimed ingredients in amounts that are same as or overlap those that are instantly claimed, it is reasonable to infer that the composition of prior art obviously satisfies the limitations of above claims unless proved to be otherwise.

10. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application is assigned is (703) 872-9306.


U.K. Rajguru/dh
March 1, 2004


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1761